REMARKS/ARGUMENTS

The office action of June 23, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-16 and 19-22 and 26-35 remain pending in this application. Claims 17, 18 and 23-25 have been canceled without prejudice or disclaimer.

The action has objected to the title as not being descriptive of the invention. Applicants have amended the title of the invention to read "CONTROLLING SPEECH RECOGNITION FUNCTIONALITY IN A COMPUTING DEVICE".

Applicants have clarified claims 1-5, 7, 8, 13 and 30 by amendment.

Claims 1-11 and 30-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,088,671 to Gould et al. ("Gould"). Claims 12-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gould in view of U.S. patent no. 6,075,534 to VanBuskirk et al. ("VanBuskirk"). Applicants respectfully traverse these rejections.

SECTION 102 REJECTION

Claims 1-11

Amended independent claim 1 is directed to a method for use in a computing device having a microphone and a button and calls for, among other features, activating the microphone, receiving a user input actuating the button, placing the device in a dictation mode if the user input actuating the button is of a first type, and placing the device in a command mode if the user input actuating the button is of a second type, wherein the device identifies spoken words as text in the dictation mode, and as commands in the command mode.

The action alleges that Gould discloses all the elements of claim 1. To show the previously recited feature of receiving a user input on the button, the action pointed to the Utt interrupt signal at col. 3, lines 22-45 and to show the previously recited features of placing the device in a dictation mode if the user input is of a first type and placing the device in a command mode if the user input is of a second type, the action relied on col. 1, lines 42-57 and Fig. 4. The Utt interrupt signal described at col. 3, lines 22-45 of Gould neither teaches nor suggests the amended claim 1 feature of receiving a user input *actuating* the button. Indeed, the Utt interrupt signal is not a user input actuating the button nor is it generated in response to receiving a user

input actuating the button. Rather, the utterance signal (Utt) 22 is generated by the DSP 19 when speech is detected as described at col. 3, lines 11-21.

Necessarily, Gould lacks a teaching or suggestion of the claim 1 steps of placing the device in a dictation mode if the user input actuating the button is of a first type and placing the device in a command mode if the user input actuating the button is of a second type. Namely, Gould does not place the device in a dictation mode or command mode when the user input actuating the button is of a first type or second type, respectively. In col. 1, lines 42-57 of Gould relied on by the action, the determination of whether speech is a command element or text is determined by factors related to the speech as opposed to whether a user input actuating the button is of a first or second type.

In view of the foregoing, independent claim 1 is patentably distinct from Gould. Claims 2-11, which directly or indirectly depend from claim 1, are also distinguishable from Gould for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Gould is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 2-5 or the combination of types of button inputs in claim 3.

Claims 30-35

The action applies Gould to reject claim 30 in substantially the same manner as utilized with respect to claim 1. Thus, to the extent that the features of claim 30 and claim 1 are similar, claim 30 is patentably distinct from Gould. Claims 31-35, which directly or indirectly depend from claim 30, are also distinguishable from Gould for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Gould is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 31, 32 and 34.

SECTION 103 REJECTION

Claims 12-16

The action acknowledges that Gould does not teach or suggest the features recited in claims 12-16, which ultimately depend from claim 1. To overcome these deficiencies, the action relies on VanBuskirk.

Contrary to the action's assertion, VanBuskirk fails to remedy the defects of Gould. That is, VanBuskirk lacks a teaching or suggestion of receiving a user input *actuating* the button, placing the device in a dictation mode if the user input is of a *first type*, and placing the device in a command mode if the user input is of a *second type*. At most, VanBuskirk discloses an on/off button (pointing with a mouse to the minibar and clicking) as part of a multiple function GUI for speech recognition which combines the recognized text field, the on/off button, and a volume meter into a single component. Neither Gould nor VanBuskirk alone or in combination with the other contemplates placing the device in a dictation mode *if the user input actuating the button is of a first type*, and placing the device in a command mode *if the user input actuating the button is of a second type*.

Claim 13 recites that the button has multiple states of depression, and the first and second types of user input are first and second states of depression of the button. VanBuskirk does not provide any teaching or suggestion of a button having multiple states of depression. In a comment responding to applicants' argument, the action states that the combination "teaches the depression of the button for more than one state (the minibar offering more than one mode while pressing the minibar." *Action*, p. 5. This statement appears to be irrelevant with respect to the claims. Admittedly, VanBuskirk describes a multi function GUI which represents the states of different parameters, such as the current volume level and whether navigation or dictation mode is active. Notably, pointing with a mouse to the minibar and clicking the mouse button only involves on/off functionality such that there is only a single user input type or state of depression available for actuating the minibar.

In light of the above, even assuming, but not admitting, that one skilled in the art would have modified Gould with VanBuskirk the invention of claims 12-16 would not have resulted.

Claims 19-21

The action alleges that the combination of Gould and VanBuskirk results in the invention of independent claim 19. Applicants submit that the combination of Gould and VanBuskirk lacks a teaching or suggestion of a second program module, stored in memory, for causing a processor to enter a command mode responsive to a manner in which a button is pressed; and a third program module, stored in the memory, for causing the processor to enter a dictation mode

responsive to a manner in which the button is pressed. As ostensibly discussed above, neither Gould nor VanBuskirk enter a command or dictation mode responsive to a manner in which a button is pressed as recited in claim 19. Indeed, VanBuskirk describes nothing more than a single manner of pressing a mouse button while pointing at the minibar. Claims 20 and 21, which depend from claim 19, are patentably distinct from the combination of Gould and VanBuskirk for the same reasons as claim 19, and further in view of the novel features recited therein.

Claims 22 and 26-29

Claim 22 has been amended to incorporate the features of dependent claim 25, claim 27 has been amended to depend from claim 22 and claim 29 has been rewritten in independent form.

Claim 22 is directed to a computing device including a first button, a second button, and a microphone. The claim 22 computing device activates the microphone and enters a command speech recognition mode if the first button receives a first user input, and the computing device activates the microphone and enters a dictation speech recognition mode if the second button receives a second user input, wherein the first user input is a press and hold of the first button, and the device remains in the command speech recognition mode while the first button is held, and exits the command speech recognition mode after the first button is released. Neither Gould nor VanBuskirk alone or in combination teaches or suggests, among other features, that the first user input is a press and hold of the first button, and the device remains in the command speech recognition mode while the first button is held, and exits the command speech recognition mode after the first button is released. VanBuskirk merely describes turning the microphone on and off by pointing to the minibar user interface and clicking a mouse button.

Claims 26-28 are patentable over the applied art for the same reason as claim 22 and further in view of the additional advantageous features recited therein. For example, the combination of Gould and VanBuskirk lacks a teaching or suggestion of the claim 27 feature of the second user input being a press and hold of the second button, and the device remaining in the dictation speech recognition mode while the second button is held, and exits the dictation speech recognition mode after the second button is released.

Claim 29 is also directed to a computing device including a first button, a second button, and a microphone. The claim 29 computing device activates the microphone and enters a command speech recognition mode if the first button receives a first user input, and the computing device activates the microphone and enters a dictation speech recognition mode if the second button receives a second user input, wherein the device switches between the command speech recognition mode and the dictation speech recognition mode if one of the first or second buttons is pressed and held while the device is in one of the command or dictation speech recognition modes. The combination of Gould and VanBuskirk does not result in the claim 29 computing device including the feature of the device switching between the command speech recognition mode and the dictation speech recognition mode if one of the first or second buttons is pressed and held while the device is in one of the command or dictation speech recognition modes.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All objections and rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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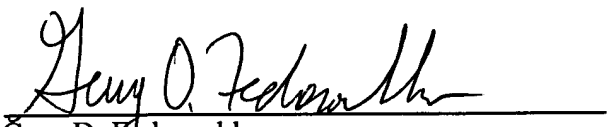
By: 

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